

REMARKS

Claims 1-31 remain in this application. Claims 1, 6, and 10 are currently being amended. No new matter has been added by way of the above claim amendments. Reconsideration of all claims is respectfully requested in view of the arguments set forth hereinbelow.

Claim Rejections – 35 USC § 112

Claims 5, 9, 17 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Examiner indicates that it is not clear where support for recitation of “coupler connector assembly does not exceed approximately 1.5 inches” is found in the specification. Applicant respectfully directs the Examiner to page 21, lines 7-11, wherein the following text is present: “the coupler connector assembly protrudes beyond the footprint of the fiber enclosure and yet maintains an industry recommended minimum bend radius of 1.5 inches on the output cable ports thus allowing the fiber enclosure front panel to close without impinging on the cables of the assembly”. Applicant believes the text quoted above provides adequate support for the disputed element recited in claims 5, 9, 17 and 23.

**Claim Rejections – 35 USC § 103**

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al. (US 5,778,130) in view of Pan et al. (US 5,652,814).

To establish a *prima facie* case of obviousness under 35 USC §103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See MPEP §2143.03 (8<sup>th</sup> edition 2001) citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based upon applicant’s disclosure” MPEP §2143 (8<sup>th</sup> edition 2001). And furthermore, determinations of *prima facie* obviousness must be supported by a finding of “substantial evidence.” See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Specifically, unless “substantial evidence” found in the record supports the factual determinations central to the issue of patentability, including motivation, the rejection is improper and should be withdrawn. The arguments presented herein below show that the combination of Walters and Pan does not satisfy this three part test when applied to Applicant’s claimed invention.

Walters describes an optical fiber connector housing for facilitating the cross connection or interconnection of optical fibers (abstract). While Walters may describe a type of fiber connector housing, the reference fails to teach or suggest numerous elements of Applicant’s claimed invention, and combining Walters with Pan fails to cure these defects.

For example, Applicant’s amended claim 1 recites, among other things, “a bulkhead having a plurality of openings provided thereon, the housing further comprising a front access and a rear access and having at least one fiber radius guide associated with at least one of the front access or the rear access; a plurality of optical adapters mounted to the bulkhead with a subset of the plurality of adapters associated with at least one removable fiber cassette, the fiber cassette installable in one of the plurality of openings in the bulkhead” and “a front management plate moveably attached to the housing for organizing a first plurality of optical cables” and “a rear management plate for organizing

a second plurality of optical cables" (emphasis added). As shown by the underlined text herein below, amended claim 1 contains many elements not taught or suggested by Walters.

Pan discloses a fiberoptic coupler. As shown in at least Figs. 2, 7, 8 and 10, Pan utilizes a GRIN or conventional lens and glass sleeve to hold the fiber(s) and provide an interfacing means to another fiber configured in a similar manner (abstract, col 4, line 66, to col. 5, line 10). Pan discloses a coupler in conjunction with the lens and glass sleeve. Pan further discloses alternative embodiments comprising optical isolators, wavelength dependent filters, and WDM isolators; however, Pan does not disclose or suggest an embodiment making use of a connector.

Combining Walters and Pan fails to satisfy the three part test outlined hereinabove. Namely, the combination of Walters and Pan does not teach every element of claim 1, nor does either reference provide any suggestion or motivation to combine in a manner teaching all elements of claim 1. Applicant respectfully requests allowance of claim 1 and claims 2-5 depending therefrom.

Amended claim 6 recites, among other things, "an optical monitoring device comprising: a removable fiber cassette having a plurality of adapters associated therewith;" and "an optical connector associated with the fiber cassette". Walters and Pan each fail to teach or suggest at least a monitoring device that includes a removable fiber cassette having an optical connector associated therewith. Therefore, Walters and Pan alone or in combination fail to teach every element of independent claim 6. Applicant respectfully requests allowance of claim 6 and claims 7-9 depending therefrom.

Amended claim 10 recites, among other things, "a patch panel having a housing, the housing having a front compartment, a rear compartment and a bulkhead, the bulkhead having a plurality of adapters associated with at least one removable fiber cassette". Walters fails to teach or suggest a rear compartment and a bulkhead having a plurality of adapters associated with a removable fiber cassette. Combining Walters with Pan fails to overcome these shortcomings. In view of the foregoing arguments, Applicant respectfully requests allowance of claim 10 and claims 11-13 depending therefrom.

Claim 14 recites "an optical tap, comprising: an optical connector having at least one output port; and an optical coupler integral with the optical connector" (emphasis added). Walters does not teach or suggest an optical tap or optical couplers integral with

an optical connector. Pan teaches only an optical coupler. A combination of Walters and Pan thus fails to teach or suggest all elements of claim 14. As such, the 35 USC §103(a) rejection of claim 14 should be withdrawn. Applicant respectfully requests allowance of claim 14 and claims 15-20 depending therefrom.

Claim 21 recites “a wavelength division multiplexing assembly, comprising: an optical connector having at least one output port; and an optical coupler integral with the optical connector” (emphasis added). Walters and Pan, whether taken alone or in combination, fail to teach or suggest at least these elements of claim 21, and therefore, a 35 USC §103(a) rejection based on these references is improper. Applicant respectfully requests the allowance of claim 21 and claims 22-23 depending therefrom.

Claim 24 recites “an optical power splitter, comprising: an optical connector having at least one output port; and an optical coupler integral with the optical connector” (emphasis added). Walters and Pan, whether taken alone or in combination, fail to teach or suggest at least these elements of claim 24; therefore, the rejection of claim 24 should be withdrawn. Applicant respectfully requests allowance of claim 24 and claims 25-26 depending therefrom.

Claim 27 recites, among other things, “a method of fabricating an optical tap device, comprising: fusing an optical coupler into a connector ferrule” and “providing a protective shroud over the assembly” (emphasis added). Walters and Pan, whether taken alone or in combination, fail to teach or suggest elements of claim 27. Applicant respectfully requests allowance of claim 27.

Claim 28 recites, among other things, “an optical connector for coupling optical data signals, comprising: a connector and splitter portion” and “an optical connector at the distal end of each of the optical cables from the connector and splitter”. The 35 USC §103(a) rejection of claim 28 is improper because neither Walters nor Pan disclose a connector having a splitter portion. Allowance of claim 28 and claims 29-31 depending therefrom is respectfully requested.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2474.

Respectfully submitted,  
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